

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Forks Pipeline Spur 2012
Range Improvement Project

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0031-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0031-EA
	DATE POSTED:
NAME: Forks Pipeline Spur 2012	DATE DUE:
	FUNDING: L81000000.JB0000.LXRIE0420407
LOCATION: CARTER COUNTY T. 5S. R. 56E. Section 4, 5. T. 4S. R. 56E. Section 33. See attached map	

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Patrick Merrill	Range Technician	ALL

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Doug Melton	Archeologist	Cultural	12/10/12 DM Cultural Report MT-020-12-11
Bobby Baker	Wildlife Biologist	Wildlife	11/20/12 BJB
Reyer Rens	Supervisor RMS	Review	RR 12/17/2012
Dena Lang	Outdoor Rec. Planner	VRM	12/12/12 DJL



ENVIRONMENTAL COORDINATOR

1/4/2013
DATE

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2013-0031-EA RIPS#420407

GR# 2503791

PROPOSED ACTION/TITLE TYPE: Forks Pipeline Spur 2012

LOCATION OF PROPOSED ACTION: T. 5S. R. 56E. Section 4, 5. T. 4S. R. 56E. Section 33.

PREPARING OFFICE: Miles City Field Office

DATE OF PREPARATION: November 08, 2012

BACKGROUND: Some livestock watering resources in the Rosencranz Allotment have fulfilled their life expectancy. Livestock water on the allotment is provided through pipelines and tanks. A portion of this pipeline was installed in 2005 to provide for more reliable water in the summer and winter months, but was not constructed through the entire allotment. The permittee is a very active manager and contributes greatly to projects on private ground as well as the public.

SCOPING: This project was posted on Montana/Dakotas BLM webpage on 11/30/2012 for public information requests. Internal scoping identified the issues below. No additional issues were brought forth by the public. Included visiting with the permittee.

ISSUES IDENTIFIED THROUGH SCOPING:

- Cultural:
- Livestock Grazing:
 - Effects to livestock management
- Wildlife:
 - Effects to sage grouse habitat
 - Effects to crucial winter range habitats
- Vegetation:
 - Effects on native vegetation diversity
 - Effects to riparian species

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Powder River RMP Record of Decision ROD approved in 1985, as amended by the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD approved in 1997. The Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD states on page 11 “guidelines are best management practices, treatments and techniques, and implementation of range improvements...”Page 14 of the Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota ROD, states “guidelines are provided to maintain or improve resource conditions in uplands and riparian habitats available to livestock grazing.”

PURPOSE AND NEED: The purpose is to analyze the effects of maintaining and expanding livestock water pipeline on the Rosencranz Allotment #00515. The need is to replace or assist the current livestock water pipelines and reservoirs. Current livestock reservoirs have fulfilled their lifespan, and no longer provide reliable livestock water. This project would enable the Rosencranz Allotment to continue to meet Rangeland Health Standards and Guidelines.

PROPOSED ACTION: The Bureau of Land Management proposes to design, contract and inspect, upon completion, the installation of one pipeline. The permittee would be required to furnish the pumping systems, overflow systems and a minimum of a 1,000 gallon livestock water tank for each of the wells. The permittee would also be required to furnish a minimum of a 1,000 gallon livestock water tank at each watering site. If any portion of the project crosses private or state lands the permittee will be responsible for contributed funds prior to letting any contract. The BLM would disburse funds for the installation of pipe and apertures for these projects. The selected routes have been approved by needed specialists. Blading may occur along pipeline routes to ensure proper bury depth of pipe. This would also allow access for maintenance. Water rights would be filed by BLM upon completion of all tank locations as specified in the cooperative agreement.

Construction activities will not occur between December 1 and March 31 to minimize impacts to wintering big game species, particularly mule deer and antelope. Construction activities will not occur between March 1 to July 15 to minimize impacts to sage grouse breeding, nesting, and brood-rearing activities (March 1 to June 15); and migratory bird species and associated nesting activities (April 15 to July 15).

Forks Pipeline Spur #420407: The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The pipeline is approximately 8,000 feet in length and will be constructed with 1 ½ inch HDPE SDR 9 pipe on public land. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed.

This pipeline will cross public land. Pipeline will consist of two tanks that are accessible by both sheep and cattle. Water will be furnished by a well that is located on private lands located at T.06N. R.58E. Sec. 24 SENE. This is an extension to the Forks Pipeline that was installed in 2006. Wildlife escape ramps will be required in tanks located on public lands.

ALTERNATIVE 1- NO ACTION: The “no action” alternative would be to not allow the construction of the Forks Pipeline Spur in the Rosencranz Allotment.

AFFECTED ENVIRONMENT: The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			x
Floodplains			x
Wilderness Values			x
ACECs			x
Water Resources		x	
Air Quality		x	
Cultural or Historical Values			x
Prime or Unique Farmlands			x

Wild & Scenic Rivers			x
Wetland/Riparian		x	
Native American Religious Concerns			x
Wastes, Hazardous or Solids			x
Invasive, Nonnative Species		x	
Environmental Justice			x

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: Forestry, hydrology, lands/realty, geology/minerals, socio-economics, and recreation.

Cultural: The proposed action was inventoried for cultural and paleontological resources in October 2011. No cultural resources and common invertebrate fossils were observed during the inventory. The invertebrate fossils are not considered to be significant fossil resources per the paleontological protection section of the Omnibus Public Land Bill of 2009. The proposed action would have no effect to historic properties or result in the loss of important scientific information (See BLM Cultural Resources Report Mt-020-12-11).

Grazing Administration: The permit for the Rosencranz Allotment is issued as follows:

GR # 2503791

Allotment Name and Number	Pasture	Livestock		Grazing Period		% PL	Type Use	AUMs
		Number	Kind	Begin	End			
Rosencranz	outside AMP	10	c	3/1	2/28	100%	custodial	115
	home system	153	c	6/1	11/1 5	72%	active	608
	home system	1	c	6/1	7/15	72%	active	1
	whitetail sy	205	c	6/1	10/2 1	63%	active	607
	whitetail sy	1	c	6/1	9/1	63%	active	2
	dry creek sy	160	c	3/1	3/31	59%	active	96
	dry creek sy	160	c	11/1	2/28	59%	active	372
	dry creek sy	2	c	11/1	1/15	59%	active	3

Terms and Conditions:

Line 1: Outside AMP; Grazing is authorized during the listed season for the recognized capacity of the public land. Cattle will not be on the public land continuously for the entire season. Livestock numbers are not restricted.

Line 2, 4,6,7: Forks AMP; Grazing is in accordance with the Forks AMP Revision dated March of 2005. Actual Use Report is due not later than 15 days after grazing has ended in the AMP pastures.

Line 3, 5, and 8: is only to authorize the full preference

Livestock Grazing: The permittee runs a 500 head cow/calf operation. The current Allotment Management Plan has the Home System (North and South Home pastures) on a 2 pasture rotation, the Whitetail System (Upper Whitetail and Lower Whitetail Pastures) on a 2 pasture rotation system, and the Dry Creek System (Upper Dry Creek and Lower Dry Creek) on a 2 pasture rotation system. The seasons of use for the Home System and Whitetail System are June through middle to late August and middle to late August through mid-November. The Dry Creek System is a winter system with use from beginning of November the mid-January and mid-January through late March.

Soils: Soils in this area have developed in residuum and alluvium derived from late Cretaceous marine shales which consists of black to gray shale with thin strata of claystone, siltstone and bentonite. As a result, soil surface and subsurface textures are commonly clay, silty clay loam, and clay loam. The characteristics of the marine shale parent material dominate the physical and chemical characteristics of the soils. Soluble salts, predominately sodium, are present in most soils of the area. Slope wash concentrates these salts in the lowest parts of the landscape, usually in or near drainages. Concentration of salts may result in a claypan area. Salts in these areas affect vegetation populations in areas of concentration. Surface crusting on these soils further affects seed growth. Topography is commonly gently rolling. These soils are susceptible to water erosion due to poor infiltration. Limited vegetative cover may result in wind erosion. Reduction of vegetative cover will result in increased wind and water erosion. Soil erosion results in increased suspended and dissolved solids and salt content of streams, damaging water quality. Slopes range up to 25 percent, but commonly average around 8 percent. Near drainages, slopes may be less than two percent. Upland soils are commonly shallow on summits and soil depths increase down slope to deep and very deep on the alluvial fans and flats.

Vegetation: The allotment consists of a western wheatgrass – big sagebrush community type. Dominant upland species include western wheatgrass, thickspike wheatgrass, green needlegrass, American vetch, silver leaf scurfpea, big sagebrush, and greasewood. Riparian species include sedge, spikeweed, rush and prairie cordgrass. Several monitoring transect have been established within the allotment to measure general upland habitat conditions. Transect T-2 is located in the Upper Whitetail Creek Pasture and T-3 is located in the Upper Dry Creek Pasture

VRM: Forks Pipeline Spur is located within a VRM Class IV. The objective of this class is to provide for management activities which require major modification of the existing landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

Wildlife: This area provides habitat for game species including mule deer, pronghorn, and sage-grouse. Non-game species such as raptors, migratory birds, and various small mammals, reptiles and amphibians also inhabit the area. This allotment provides mule deer, pronghorn, and sage grouse winter range. This allotment is within the Preliminary Priority Habitat (PPH) polygon for sage grouse as identified in WO-IM-043 (2011). However, only a portion of the proposed pipeline route, approximately 0.5 miles on the east side, is proposed in actual preferred habitat for sage grouse. There are five known sage-grouse leks within 3.3 miles of the project, 4 of which have been documented active at least once since 2009. BLM Sensitive Species are expected to inhabit or frequent the area. Neo-tropical migrants, many of which are protected via the Migratory Bird Treaty Act would be expected to nest within the allotment; however no Threatened or Endangered species or habitat for such is known to exist.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural: The proposed action would have no impact to cultural resources. An inventory did locate any cultural resources. Paleontological resources in the pipeline route are common invertebrate fossils and are not considered significant fossil resources. Unanticipated discoveries of cultural and vertebrate paleontological resources found during construction of the pipeline would be addressed in stipulations

attached to this document and the cooperative agreement for the project.

Livestock Grazing: The installation of this pipeline will improve livestock management/distribution and decrease grazing pressure in key areas, on each of these allotments. The new water sources will replace pits and reservoirs that have silted in partially or fully and have become unreliable water sources. The projects implementation will not adjust the livestock numbers and season of use, but assist the allotments grazing strategies in meeting resource objectives and standards for rangeland health.

Soils: Mixing of soil horizons will occur during construction of the pipelines. Mixing may affect productivity of surface flora and effect subsurface flora and fauna. Compaction of adjacent soils would occur due to equipment operation. Compaction may affect soil productivity until released due to natural means such as freeze – thaw cycles. Soil erosion from wind and water could occur during and shortly after project construction. Once construction is completed and vegetation is reestablished, erosion, compaction and productivity should return to natural conditions.

Vegetation: Localized vegetative disturbance will occur along pipeline routes; however this impact will heal itself and become less evident with time, usually within 1 to 2 growing seasons. The area around the stock tanks will receive disturbance when the pump and hydrants are open for livestock watering. These areas may become weedy with annual vegetation as a result of the livestock use, however the disturbance is considered minimal. In addition, the vegetative area in the proximity of the livestock tanks may receive heavier livestock grazing pressure. This use is expected to be within allowable use parameters and those areas that have had past heavy grazing pressure, also are expected to move into the allowable use levels.

Visual Resource Management: The proposed pipelines will create surface disturbance, therefore, affecting the visual landscape by contrasting color from the disturbance of the soil. This disturbance will be short term as re-vegetation will occur with time. Even though this project is allowed within the Class IV VRM objective, every attempt should be made to have minimal disturbance and repetition of the basic elements; such as line, form and color. By utilizing existing topography and landform to place the water tanks, the tanks should not dominate the view.

Wildlife: The proposed pipeline will disturb some sagebrush grasslands habitat until re-vegetation occurs. Activities during the construction phase of this project will temporarily displace some wildlife species; however, these impacts will be minimized during sensitive timeframes by avoiding construction activities from December 1 to July 15.

This project will bring additional water sources into portions of 3 pastures, one of which provides preferred habitat for sage grouse. These water sources will be dependable watering sources for livestock use every year. Grazing will occur in accordance with the established AMP, and habitat conditions would be expected to remain adequate for a variety of wildlife species with approval of the proposed action. With the proposed action, habitat adjacent to the tank locations will be utilized to a greater extent than what has occurred historically. One of the proposed tanks is located in preferred habitat for sage grouse. A decrease in sage grouse nesting success, brood survival, or over winter survival is possible within this area due to a decrease in residual cover and forage quality. However, utilization of sage grouse habitat by livestock should decrease in other areas of this pasture. Habitat adjacent to existing reservoirs would be expected to improve, which may provide better quality habitat for some species such as waterfowl.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1- No Action

Cultural: Impacts to cultural resources would be the same as the proposed action.

Grazing Administration: The grazing permit for Rosencranz Allotment will not be affected by this alternative.

Livestock Grazing: Livestock grazing would continue under the current management until watering facilities deteriorate become nonfunctional. Grazing changes would be needed at that time to ensure continued meeting of standards for rangeland health.

Soils: Plowing, tank development, compaction, and ground-cover removal would not occur. Soils would potentially decline in health because of inadequate livestock distribution continue.

Vegetation: Vegetation will not be disturbed on public land. Areas containing mostly crested wheatgrass will continue to be underutilized. Native vegetation will continue to be over utilized in other areas of the allotment due to poor livestock distribution.

VRM: The landscape will have no short term or long term affect to the visual value of the landscape on the public land.

Wildlife: The no-action alternative would result in no direct habitat loss or wildlife disturbance on public lands, and no changes to the distribution of habitat utilization across these pastures within this allotment.

CUMULATIVE IMPACTS

There will be no other cumulative impacts from this project in addition to those identified in the Standards for Rangeland Health and Guidelines for Livestock Grazing Management EIS completed in August of 1997. Those cumulative impacts include population increase or decrease, agricultural subsidies, economic competition, and restructuring, wildlife use, management practices and land use changes such as increase recreation use. A detailed discussion of these cumulative impacts can be found on Pages 27 and 28 of the Standards and Guidelines EIS.

MITIGATION:

CONSULTATION/COORDINATION: base property owner

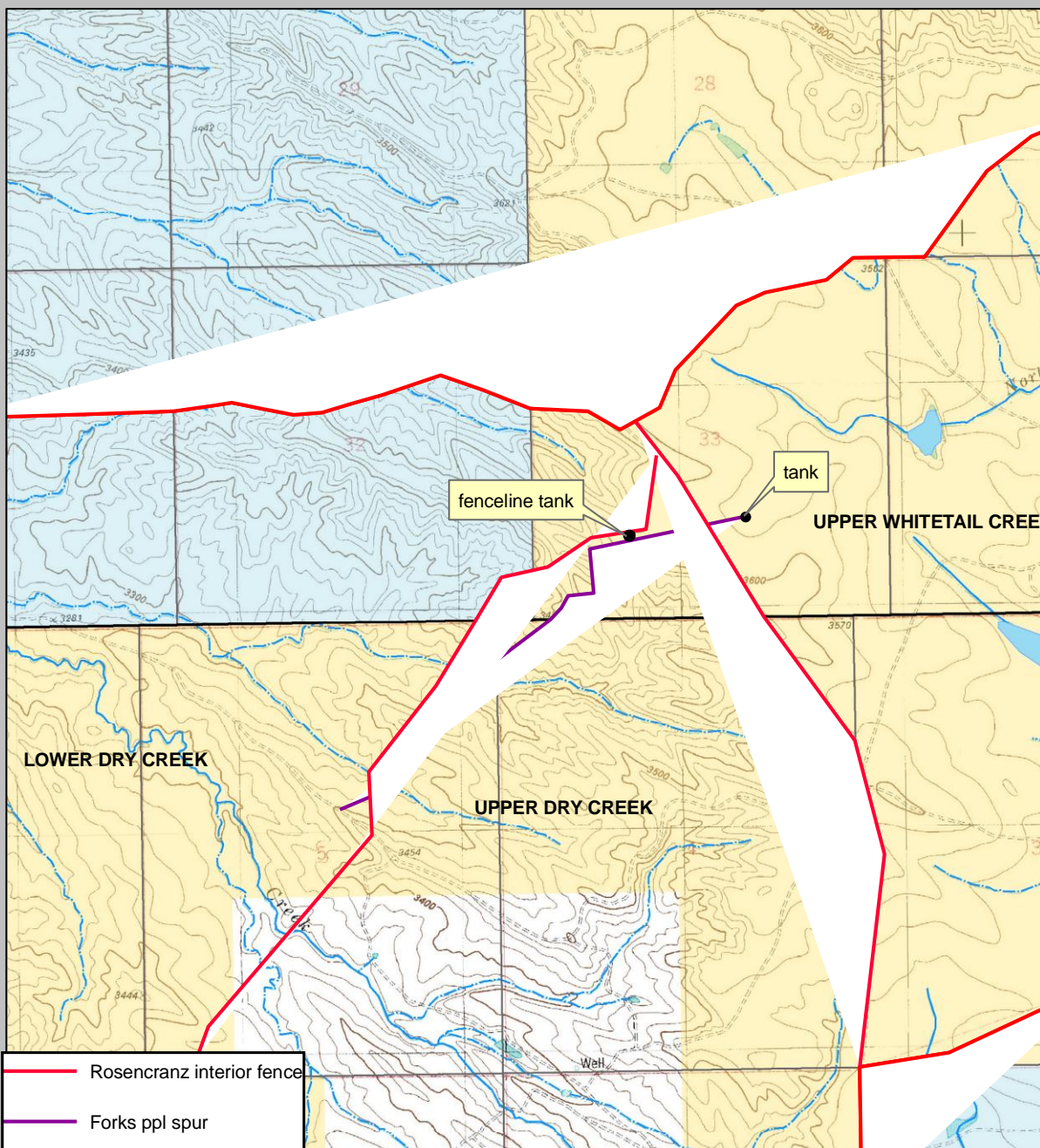
LIST OF PREPARERS:

Patrick Merrill, Range Technician
Bobby Baker, Wildlife Biologist
Doug Melton, Archeologist
Curt Kunugi, Civil Engineering Technician
Dena Lang, Outdoor Recreation Planner
Reyer Rens, Supervisory Rangeland Management Specialist
Kathleen Bockness, Environmental Coordinator



FORKS PIPELINE SPUR

12/9/11



- Rosencranz interior fence
- Forks ppl spur
- BLM - Public Domain
- Private
- Division of State Lands

Projected Coordinate System: NAD 1983 Albers
Geographic Coordinate System: GCS North American 1983
Datum: D North American 1983

1:24,000

0.08670.140.210.28

Miles

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE

CAUTION:
Land ownership data is derived from less
accurate data than the 1:24,000 scale base
map. Therefore, land ownership may not be
shown for parcels smaller than 40 acres, and
land ownership lines may have plotting errors
due to source data.

No warranty is made by the Bureau of Land Management
for the use of the data for purposes not intended by the BLM.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT
DOI-BLM-MT-C020-2013-0031-EA**

BACKGROUND

The origin of the environmental assessment was due to a request from the grazing permittee to develop dependable livestock watering location to provide for reliable water due to aging and silted in pits and reservoirs on the public and private lands.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0031-EA), and all other information available to me, it is my determination that:

- (1) the implementation of the Proposed Action will not have significant environmental impacts beyond those already addressed in the Powder River Resource Management Plan/Environmental Impact Statement;
- (2) the Proposed Action is in conformance with the Resource Management Plan; and
- (3) the Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA or as articulated in the letters of comment.

Context

The Bureau of Land Management proposes to design, contract and inspect, upon completion, the installation of one pipeline. The permittee would be required to furnish the pumping systems, overflow systems and a minimum of a 1,000 gallon livestock water tank for each of the wells. The permittee would also be required to furnish a minimum of a 1,000 gallon livestock water tank at each watering site. If any portion of the project crosses private or state lands the permittee will be responsible for contributed funds prior to letting any contract. The BLM would disburse funds the installation of pipe and apertures for these projects. The selected routes have been approved by needed specialists. Blading may occur along pipeline routes to ensure proper bury depth of pipe. This would also allow access for maintenance. Water rights would be filed by BLM upon completion of all tank locations as specified in the cooperative agreement. Construction activities will not occur between December 1 and March 31 to minimize impacts to wintering big game species, particularly mule deer and antelope. Construction activities will not occur between April 15 and July 15 to minimize impacts to migratory bird species and associated nesting activities.

Forks Pipeline Spur #420407: The proposed action is to design, contract, inspect and construct a pipeline at allocation shown on the attached map. The pipeline is approximately 8,000 feet in length and will be constructed with 1 ½ inch HDPE SDR 13.5 pipe on public land. The pipeline will be plowed (ripped) in at the depth of 5 to 6 feet. Contractor will pre-rip the line, and then come back one final time, rip and lay the

pipe in the trench. After pipe is set in the ground, the contractor will then dig holes with the backhoe, to assemble curb stop valves, hydrants assemblies, air relief valves and stop and waste valves. The pre-rip is necessary so the contractor will know where large boulders or rock ledges are. If the equipment cannot pull through these areas the contractor will come back with the backhoe and break through these areas to achieve proper bury depth. At these areas disturbance will be 15 feet wide. Total disturbance along pipeline route will be approximately 4 feet wide except at points where apertures are installed. This pipeline will cross public land. Pipeline will consist of two tanks that are accessible by cattle. Water will be furnished by a well that is located on private lands located at T.06N. R.58E. Sec. 24 SENE. This is an extension to the Forks Pipeline that was installed in 2006.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the Forks Pipeline Spur decision relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

- 1. Impacts that may be both beneficial and adverse.** The EA considered both potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the Powder River RMP.
- 2. The degree to which the proposed action affects public health and safety.** No aspect of the proposed action would have an effect on public health and safety.
- 3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There are no known historic or cultural resource sites that would be affected by the proposed action. A pre-project cultural resource survey was conducted in conjunction with the location of the EA and did not result in the discovery of significant cultural properties (See report numbers listed in the environmental assessment). There would be no effect to historic properties. Unanticipated discoveries of cultural resources during project construction are subject to the cultural resource stipulation in the cooperative agreement for the project. There are no parks, prime farmlands, WSAs, ACECs, or wild and scenic rivers in the planning area.
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects of the actions planned under the proposed action are similar to many other rangeland improvement projects implemented within the scope of the Powder River RMP, as amended. "Highly controversial" in the context of 40 CFR 1508.27 (b)(4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. No unique or appreciable scientific controversy has been identified regarding the effects of the proposed action.
- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The analysis has not shown that there would be any unique or unknown risks to the human environment.
- 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Powder River RMP.
- 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The environmental analysis did not reveal any cumulative effects beyond those

already analyzed in the EISs which accompanied the Powder River RMP.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. There are no threatened or endangered species or habitat in the area of the proposed action. There are no threatened or endangered plant species or habitat in the area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, or local law.



Todd D. Yeager
Field Manager
Miles City Field Office

1/16/2013

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION
DOI-BLM-MT-C020-2013-0031-EA**

DECISION

It is my decision to select the Proposed Action Alternative with the applied mitigation as described in the Forks Pipeline Spur EA. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in rangeland improvement activities, including the construction of the pipeline for livestock use in the Rosencranz Allotment #00515. All design features identified in the EA will be implemented. The selected alternative is in conformance with the Powder River Resource Management Plan, as amended.

ALTERNATIVES

In addition to the selected alternative, the EA considered one (1) other alternative. The "No Action" alternative, and would carry out no management activities at this time.

RATIONALE FOR SELECTION

The purpose of the action is to create reliable water to provide for livestock grazing in a manner that will allow the allotment to continue to meet the Standards for Rangeland Health. The selected alternative would most effectively meet the purpose of the action. It would provide reliable water. The No Action Alternative would carry out no management actions thus not meeting the purpose and need of providing reliable water so that livestock grazing would occur in such a manner that would allow the allotment to continue to meet the Standards for Rangeland Health.

CONSULTATION AND COORDINATION

The permittee and base property owner were consulted on this project. The Forks Pipeline Spur EA was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the Forks Pipeline Spur EA, FONSI, and Decision Record are approved, a Cooperative Range Improvement Agreement would be signed with the Cooperator. Once the Cooperative Range Improvement Agreement is approved by the Authorized Officer, the Cooperator would be able to proceed with the project.

ADMINISTRATIVE REVIEW OPPORTUNITIES

The following sections of the Code of Federal Regulations, chapter 43- §4120 and §4160 provide authority for the actions proposed in this decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf

Any applicant, permittee, lessee or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager
Field Office Manager
Bureau of Land Management, Miles City Field Office
111 Garryowen Road
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

Appeal: Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.1-4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21, pending final determination of an appeal. The appeal and decision for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470 which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.



Todd D. Yeager
Field Manager
Miles City Field Office

1/16/2013

Date